



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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September 2, 2022

**VIA ECF**

Hon. Katherine Polk Failla  
District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *L.C. v. New York City Department of Education*, 22-CV-3148 (KPF)(RWL)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of the Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, counsel for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs, and expenses for legal services regarding an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request a 90-day stay of this action until December 1, 2022. Plaintiff consents to this request and has agreed to provide the needed attorney billing records no later than September 23, 2022. (Defendant's deadline to respond to the Complaint is currently October 20, 2022). On July 11, 2022, the Court granted Defendant's first request for an extension in this action (ECF No. 11). We note that, while this is an IDEA fees-only case and liability is not at issue, without the relevant billing, Defendant cannot begin its internal settlement review process, which includes seeking settlement authority from the New York City Comptroller's Office after a review of the underlying administrative record together with the relevant billing records. The parties hope to resolve this case without the need for conferences, discovery, or motion practice. Defendant has successfully settled all of the many IDEA fees-only cases brought by Plaintiff's counsel in recent years without burdening the Court with any motion practice (with the exception of one case), and we expect that this case will take that same course.

Defendant also respectfully proposes that, if a stay is granted, the parties be required to submit a joint status letter regarding settlement negotiations on or before December 1, 2022.

Thank you for considering the requests set forth above.

Respectfully submitted,

A handwritten signature in blue ink, reading "Pasquale Viscusi".

Pasquale Viscusi, Esq. (PV 8588)  
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)

Application GRANTED. The Clerk of Court is directed to STAY all deadlines in this matter pending further direction from the Court. The parties are hereby ORDERED to submit a joint letter regarding the status of settlement discussions on or before December 1, 2022. The Clerk of Court is directed to terminate the pending motion at docket number 13. SO ORDERED.

Dated: September 6, 2022  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE